



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: December 16, 2013

Table A. Summary			
Application Summary			
Case Number	Z1300010	Jurisdiction	City
Applicant	Davis Moore Capital	Submittal Date	March 25, 2013
Reference Name	Hutson Property	Site Acreage	7.99
Location	117 East N.C. 54 Highway, east of Fayetteville Road and west of Interstate 40.		
PIN(s)	0728-01-06-0568		
Request			
Proposed Zoning	Office Institutional with a development plan (OI(D))	Proposal	Up to 150,000 square feet of office space
Site Characteristics			
Development Tier	Suburban Tier, Suburban Transit Area		
Land Use Designation	Office, Recreation and Open Space		
Existing Zoning	Residential Suburban – 20 (RS – 20)		
Existing Use	Vacant		
Overlay	F/J-B, MTC	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Crooked Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Approval, 11 – 0 on September 10, 2013. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a 7.99-acre site for a proposed maximum development of 150,000 square feet of office uses. The site is located at 117 East N.C. 54 Highway, east of Fayetteville Road and west of Interstate 40 (see Attachment

1, Context Map). This request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

B. Site History

There have been no recent zoning map change requests for this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the OI(D) district (Sec. 3.5.6.D, Sec. 6.10.1.B). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards regarding transit improvements, as well as a number of roadway improvements resulting from the Traffic Impact Analysis (TIA) (see Attachments 6 and 7 for City Transportation's and NCDOT's analysis).

Graphic Commitments. Graphic commitments include the general location of site access points and location of the tree preservation area.

Design Commitments. The proposed structures will have flat roofs where the roofline or parapet walls will adjust in height to express the design. A list of exterior surface materials has been provided where one or more from the list will be used.

Determination. If the requested OI(D) zoning district is approved, this request would allow for a range between a minimum of 50,000 and a maximum of 150,000 square feet of total floor area.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested OI(D) zoning district is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates this site as Office and Recreation and Open Space.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6. There is one condition shown as recommendation of the Long Range Bicycle Plan Map 4.6. A proposed bicycle lane is shown along East N.C. 54 Highway. If approved, this project commits to providing an additional four feet of asphalt to allow for a future bicycle lane.

F. Site Conditions and Context

Site Conditions. This request includes a single, 7.99-acre parcel at 117 East N.C. 54 Highway just east of Fayetteville Road, with frontage along East N.C. 54 Highway and Crooked Creek Parkway. Much of the site has been cleared in 2006 with the northeast portion of the site left undisturbed. Floodway fringe associated with an adjacent stream runs along the east property line (see Attachment 4, Development Plan Reduction).

Area Characteristics. This site is in the Suburban Tier and within a Suburban Transit Area (STA) associated with Southpoint Mall and the Intersections of N.C. 54 Highway, Fayetteville Road, and Interstate 40. Development in the STAs ought to be supportive of transit. This STA contains a mix of uses including a regional retail center, office, as well as multi-family development.

This area is within two overlay districts. The F/J-B Watershed Protection Overlay district limits impervious surface allowances on proposed development. The Major Transportation Corridor overlay is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors (in this case Interstate 40).

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed OI(D) district meets the ordinance requirements in relation to development on the subject site.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed OI(D) district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to decrease student generation by five students and increase water demand by 9,080 gallons per day. The existing infrastructure has available capacity to meet these needs.

Transportation System Impacts. A Traffic Impact Analysis (TIA) was required of this project and a number of mitigation measures were identified (see Attachments 6 and 7 for City Transportation's and NCDOT's analysis). The development plan includes these recommendations as commitments.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

If the requested OI(D) zoning designation were approved a range between 50,000 and 150,000 square feet of nonresidential development would be permitted. Traffic mitigation measures were identified and, if approved, this project commits to those improvements. Nonresidential development at this intensity is consistent with the goals of development within the Suburban Transit Area.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Bob Zumwalt, RLA, The John R. McAdams Company	Ph: 919-287-0789	zumwalt@johnrmcadams.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in

accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Northeast Creek Streamwatch
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting September 10, 2013 (Case Z1300010)

Zoning Map Change Request: Request RS-20 to OI(D)

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Jones opened the public hearing. Two people signed up to speak and one person spoke in favor and no one spoke in opposition. Chair Jones closed the public hearing.

Commission Discussion: Low attendance in community meetings, but they were notified. Developers were willing to provide shelter for the existing bus stop, a bike lane and widen Highway 54. It was also stated that a concrete media strip will be placed in the middle of the road as well.

Motion: Approval of the Zoning Case Z1300010. (Mr. Harris, Huff 2nd).

Action: Motion carried, 11-0.

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Submittal and Review History
Appendix B	Site History	N/A

Table K. Supporting Information		
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts Attachments: 6. CDOT TIA Memorandum 7. NCDOT TIA Memorandum
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 8. Planning Commissioner's Written Comments 9. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
OI	Office and Institutional - the OI district is established for employment and community service activities. Some support facilities and residential uses are also allowed when compatible with surrounding uses. The OI district is designed for use on sites that have convenient access to arterials, since development of moderate to high intensity is allowed.
D	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.
F/J-B	<p>Falls/Jordan District B Watershed Protection Overlay: The purpose this overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.
MTC	Major Transportation Corridor Overlay – the MTC Overlay district is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. The MTC district requires buffers next to major transportation corridors and limits the height of signs.

Table D2. District Requirements – OI			
	Code Provision	Required	Development
Minimum Site Area (square feet)	6.10.1.B	20,000	348,044
Minimum Lot Width (feet)	6.10.1.B	60	100
Minimum Street Yard (feet)	6.10.1.B	25	25
Minimum Side Yard (feet)	6.10.1.B	20	20
Minimum Rear Yard (feet)	6.10.1.B	25	25
Maximum Height (feet)	6.10.1.B	50	50

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	10% (0.80 acres)	10% (0.80 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-M	0.4/0.6	0.6 (30 feet)
East	RS-20	0.4/0.6	0.6 (30 feet)
South	CN	0/0	N/A
West	CN(D)	0/0	N/A

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 50,000 – 150,000 square feet of total floor area.	C-2
	Building/Parking Envelope has been appropriately identified.	C-2
	Project Boundary Buffers are appropriately shown.	C-2
	Stream Crossing. None shown.	N/A
	Access Points. Two (2) external site access points have been identified.	C-2
	Dedications and Reservations. See Text Commitments (below) for dedications.	Cover, C-2
	Impervious Area. 60% (4.79 acres)	C-2
	Environmental Features. The existing and future 100-year floodplain have been identified.	C-1 ,C-2
	Areas for Preservation. See Tree Coverage (below).	C-2
	Tree Coverage. 1.29 acres (10%) of tree preservation area as shown.	C-2
Graphic Commitments	<ol style="list-style-type: none"> Location of two site access points. Location of tree preservation area as shown. 	C-2
Text Commitments	<ol style="list-style-type: none"> Transit improvements associated with the existing bus stop serving the site along NC 54 will be provided as determined by the City of Durham, Triangle Transit, and DATA at the time of site plan submittal. The transit improvements may include a concrete pad, shelter, bench, and associated sidewalk connectivity from the shelter to the sidewalk along NC 54 and to any proposed 	Cover

Table D5. Summary of Development Plan		
	<p>buildings on site.</p> <ol style="list-style-type: none"> 2. Prior to the issuance of any building permit, dedicate additional right-of-way for the frontage of the site along the north side of NC 54 as needed to provide a minimum of 65 feet of right-of-way (from the centerline of the existing right-of-way) and 10 feet from the back of curb for the proposed roadway improvements along NC 54. 3. Prior to the issuance of a certificate of occupancy, construct a raised median in the center of NC 54 at the proposed site driveway to limit the site driveway to a right-in/right-out connection. 4. Prior to the issuance of a certificate of occupancy, construct a westbound right-turn lane with adequate storage and appropriate tapers on NC 54 at the proposed site driveway. 5. Prior to the issuance of a certificate of occupancy, a minimum of 4' of additional asphalt (in addition to the proposed roadway improvements) will be provided for the full frontage of the site along the north side of NC 54. The additional asphalt widening will be provided to allow for a future bicycle lane subject to Durham Transportation and NCDOT approval. 	
SIA Commitments	None Provided.	N/A
Design Commitments	<p>All structures will have flat roofs. Rooflines or parapet walls will remain horizontal but adjust in height to express the design.</p> <p>Materials – one or more of the following exterior surface materials will be used: brick and or architectural block, traditional and/or synthetic stucco, precast concrete panels, split face of ground face CMU, stone or cultured stone, glass, EIFS, aluminum or other metal panels, durable fabric, vinyl or metal accents and awnings (for any awnings and/or porte-cochere), cementitious siding and trim</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Office: Land used primarily for office uses.</p> <p>Recreation and Open Space: Identify and protect identified areas. [Note: the property within this request has not be specifically identified]</p> <p>Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p>
2.2.2b	Suburban Tier Land Uses. Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.
2.3.2a	Infrastructure Capacity. Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
8.1.4p	New Bicycle Routes: Wherever possible, incorporate recommended bike lanes or wide shoulders during street resurfacing or reconstruction and convert railroad corridors to bikeways.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.

Table E. Adopted Plans
<i>Long Range Bicycle Plan</i>
Map 4-6 shows a proposed bicycle lane along East NC 54 Highway.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Multi-family residential	RS-M	F/J-B, MTC
East	Vacant, office	RS-20, OI(D)	F/J-B, MTC
South	Retail	CN	F/J-B, MTC
West	Retail	CN(D)	F/J-B, MTC

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts			
NC 54, Fayetteville Road, and Interstate-40 are the major roads impacted by the proposed zoning change. NCDOT TIP Project U-5324 will improve NC 54 Highway from Interstate-40 to NC 55 Highway to a multi-lane divided facility with bicycle, pedestrian and transit amenities. This project is currently unfunded through 2018.			
Affected Segments	Fayetteville Road	NC 54 Highway	Interstate-40
Current Roadway Capacity(LOS D) (AADT)	29,100	27,200	111,800
Latest Traffic Volume (AADT)	26,000	16,000	117,000
Traffic Generated by Present Designation (average 24 hour)*	172		
Traffic Generated by Proposed Designation (average 24 hour)**	5,582 (103% of TIA Estimate)		
Impact of Proposed Designation	+5,410		

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

Fayetteville Road: 4-lane divided city/county Class II arterial

NC 54: 3-lane undivided Class I arterial with left-turn lanes

I-40: Six-lane divided interstate highway

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

***Assumption- (Max Use of Existing Zoning)** – 14 single-family units

**** Assumption- (Max Use of Proposed Zoning)** – Per TIA: 150,000 square-feet medical office

Table G2. Transit Impacts
Transit service is provided adjacent to the site along NC 54 Highway via DATA route #14 and Triangle Transit Routes #800 and #805.

Table G3. Utility Impacts
This site is will be served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is not estimated to generate any students if developed; the plan commits to nonresidential uses. This represents a decrease of five students under the existing zoning. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20th Day Attendance (2012-13 School Year)	16,150	7,212	9,476
Committed to Date (April 2010 – March 2013)	432	151	88
Available Capacity	1,933	1,126	1,414
Potential Students Generated – Current Zoning*	2	1	2
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-2	-1	-2

*Assumption- (Max Use of Existing Zoning) – 14 single-family units

** Assumption- (Max Use of Proposed Zoning) – 150,000 square-feet of nonresidential uses

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 11,250 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 9,080 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	23.33 MGD
Approved Zoning Map Changes (April 2010 – March 2013)	0.70 MGD
Available Capacity	12.97 MGD
Estimated Water Demand Under Present Zoning*	2,170 GPD
Potential Water Demand Under Proposed Zoning**	11,250 GPD
Potential Impact of Zoning Map Change	+9,080

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – 14 single-family units

** Assumption- (Max Use of Proposed Zoning) – Per TIA: 150,000 square-feet medical office

Attachments

6. CDOT TIA Memorandum
7. NCDOT TIA Memorandum

Appendix K: Summary of Planning Commission Meeting

Attachments

8. Planning Commissioner's Written Comments
9. Ordinance Form